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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROSS WEIL and BRETT ROYCE,	:	
	:	Hon. Deborah A. Batts
Plaintiffs,	:	
	:	07 Civ. 7748
- against -	:	
	:	SECOND DECLARATION
AMERICAN UNIVERSITY,	:	UNDER 28 U.S.C. §1746
	:	
Defendant.	:	
-----	X	

I, Abbey Silberman Fagin, declare as follows:

1. I am employed as the Senior Director of Development at American University, defendant in the above-entitled action. I have personal knowledge of the facts and circumstances stated below, and am competent to give this Declaration.
2. American University maintains its bank accounts at banks within the District of Columbia, and it maintains no bank accounts in the State of New York.
3. American University issues tax-exempt bonds through the District of Columbia Revenue Bond Program.
4. Records readily available to me through the Assistant Secretary of the Board of Trustees, which cover the period of time since his taking office in 2000, indicate that American University has held no Board of Trustees meetings in the State of New York.

5. American University has no telephone listings within the State of New York.

6. American University has no mailing address within the State of New York.

7. The Declarations¹ submitted in support of Plaintiffs' position list events as taking place at The Park Avenue Country Club in New York City. The University's Office of Development & Alumni Programs, which edits the Class Notes Section of the university magazine, *American*, has no record of sponsoring any event in the past several years at the Park Avenue Country Club or at any location at 27th Street and Park Avenue in New York City.

8. In fact, none of the events referred to in the Declarations were hosted by the University's Office of Development & Alumni Programs.

9. The networking reception events to assist recent-graduate alumni that took place in 2004 and 2005 at the Park Avenue Country Club, and in 2006 at McCormick & Schmick's, were sponsored by the University Career Center. The University Career Center office assists American University students and alumni in developing educational and career goals, and in job search strategies.

10. The University Career Center Office is not in any way involved in the publication of the university magazine, *American*.

11. All local alumni chapter leaders volunteer to serve in that role, receive no payment for their time, receive no office space to conduct any activities, and are in no way employed by the University. The contact information for alumni chapter leaders is the personal contact information as they provide it, with no address, telephone or e-mail account sponsored by

¹ The Declarations I refer to here were the documents submitted in support of Plaintiffs' opposition to Defendant's motion to dismiss, specifically the Declaration of Ross Weil; Declaration of Brett Royce; Declaration of Scott D. Gootzeit; Declaration of Jennifer Ondyak.

the University for this purpose. No chapter leader has the authority to enter into a contract on behalf of the University.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 31, 2007.


Abbey Silberman Fagin